

2FW 2625



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August 16, 2004

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 2625

Re: U.S. Utility Patent Application
Appl. No. 09/821,044; Filed: March 30, 2001
For: **Fingerprint Scanner Auto-Capture System and Method**
Inventor: David C. Smith
Our Ref: 1823.0330001

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Second Supplemental Information Disclosure Statement;
2. Form PTO-1449 citing documents (*2 pages*);
3. Copies of the cited documents listed on Form PTO-1449 (AA1-AI1, AA2-AC2); and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
August 16, 2004
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey S. Weaver
Attorney for Applicant
Registration No. 45,608

MVM/JSW:apg
Enclosures

294535_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David C. Smith

Appl. No.: 09/821,044

Filed: March 30, 2001

For: **Fingerprint Scanner Auto-Capture
System and Method**

Confirmation No.: 5140

Art Unit: 2625

Examiner: Chawan, Sheela C.

Atty. Docket: 1823.0330001

Second Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This IDS is supplemental to an electronic IDS filed the same day. Any fee necessary for consideration of this Supplemental IDS has been authorized or otherwise submitted with the electronic IDS.

Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. Payment of the fee under 37 C.F.R. § 1.17(p) has already been made with the electronic IDS filed today.

4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign

application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

6. A concise explanation of the relevance of the non-English language document(s) appears below:

Document AC1 (JP 62-212892 A) appears to describe a finger print pattern input device. An English-language abstract of document AC1 is enclosed as document AE1.

Document AD1 (JP 1-205392 A) appears to describe a finger picture input device. An English-language abstract of document AD1 is enclosed as document AF1.

Document AA2 (JP 3-161884 A) appears to describe a finger image input device.

An English-language abstract of document AA2 is enclosed as document AG1.

Document AB2 (JP 3-194674 A) appears to describe a finger image input device.

An English-language abstract of document AB2 is enclosed as document AH1.

Document AC2 (JP 3-194675 A) appears to describe a finger image input device.

An English-language abstract of document AC2 is enclosed as document AI1.

- 7. Copies of the documents are submitted herewith.
- 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- 9. No copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted in accordance with 1276 OG 55 because this application was filed after June 30, 2003.
- 10. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). _____ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

David C. Smith
Appl. No. 09/821,044

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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ATTY. DOCKET NO. 1823.033001	APPLICATION NO. 09/821,044
INVENTORS David C. Smith	
FILING DATE March 30, 2001	ART UNIT 2625

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOC. REF.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AA1	0 623 890 B1	11/1994	EP			N/A
	AB1	0 785 750 B1	07/1997	EP			N/A
	AC1	62-212892 A	09/1987	JP			No
	AD1	1-205392 A	08/1989	JP			No

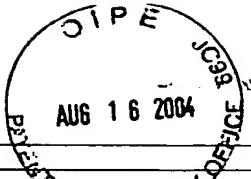
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AE1	English-language Abstract for Japanese Patent Publication No. 62-212892, published September 18, 1987, printed from espacenet.com, 1 page.
	AF1	English-language Abstract for Japanese Patent Publication No. 1-205392, published August 17, 1989, printed from espacenet.com, 1 page.
	AG1	English-language Abstract for Japanese Patent Publication No. 3-161884, published July 11, 1991, printed from espacenet.com, 1 page.
	AH1	English-language Abstract for Japanese Patent Publication No. 3-194674, published August 26, 1991, printed from espacenet.com, 1 page.
	AI1	English-language Abstract for Japanese Patent Publication No. 3-194675, published August 26, 1991, printed from espacenet.com, 1 page.
	AJ1	
	AK1	
	AL1	
	AM1	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



Page 2 of 2

FORM PTO-1449 SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		ATTY. DOCKET NO. 1823.0330001		APPLICATION NO. 09/821,044	
		INVENTORS David C. Smith			
		FILING DATE March 30, 2001		ART UNIT 2625	
		FOREIGN PATENT DOCUMENTS			

EXAMINER INITIAL	DOC. REF.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AA2	3-161884 A	07/1991	JP			No
	AB2	3-194674 A	08/1991	JP			No
	AC2	3-194675 A	08/1991	JP			No
	AD2						N/A

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AE2	
	AF2	
	AG2	
	AH2	
	AI2	
	AJ2	
	AK2	
	AL2	
	AM2	

EXAMINER	DATE CONSIDERED
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